

REMARKS

Claims 1-3, 5, 7-10, 13-16 and 19-25 are now pending in this application. Claims 1, 8, 14 and 23 are independent. Claims 1, 8, and 14 have been amended solely for clarity, and claims 23-25 have been added to further define that which Applicant is entitled to claim. No claims have been canceled by this Amendment.

No new matter is involved with any claim amendment or new claim, as support may be found throughout the originally-filed disclosure.

Anticipation Rejection by Vazvan et al.

Withdrawal of the rejection of claims 1-3, 5, 7-10, 13-16 and 19-22 under 35 U.S.C. §102(e) as being anticipated by Vazvan et al. (US 6,400,946) ("Varzan") is requested.

Applicant notes that anticipation requires the disclosure, in a prior art reference, of each and every limitation as set forth in the claims.¹ There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. §102.² To properly anticipate a claim, the reference must teach every element of the claim.³ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference".⁴ "The identical invention must be shown in as complete detail as is contained in the ...claim."⁵ In determining anticipation, no claim limitation may be ignored.⁶ In view of the foregoing authority, the cited reference fails to anticipate independent claim 1, as amended.

Discussion of Applicant's Disclosure

By way of background, one or more embodiments and aspects of Applicant's disclosure are directed to a method and equipment for accessing a telecommunication network which includes at least one terminal and a plurality of networks. Information sets describing settings

¹ *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985).

² *Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991).

³ See MPEP § 2131.

⁴ *Verdegaal Bros. v. Union Oil Co. of Calif.*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

⁵ *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

needed to access networks and their resources are stored in a memory in the terminal. The terminal scans for information about available networks, and available information sets are determined by comparing the information about available networks to the stored information sets. At least one network may then be accessed based on the settings defined in the available information sets.

Discussion of Varzan

According to its Abstract, Varzan is purportedly directed to a multimode universal mobile telecommunications system in which a mobile communication entity that combines several mobile communication networks can be part of different mobile communication systems, and in which a mobile terminal can operate and establish connections to a receiver via the mobile communication networks. The mobile terminal selects a first mobile communication network based on a certain criterion or criteria, and establishes a first connection to the receiver using the first mobile communication network. After that the mobile terminal selects a second mobile communication network based on a certain criterion or criteria and establishes a second connection to the receiver. After the second connection has been successfully established, the mobile terminal disconnects the first connection.

Vazvan discloses a multi-mode mobile communications system, in which a mobile terminal may selectively connect different mobile communications networks, but fails to disclose the currently claimed technique storing of information sets in the terminal, since the cited disclosure merely discusses how the terminal selects a service based on information received from the network. Further, the cited disclosure of Vazvan fails to disclose the additional uses of the information sets stored in the terminal, as currently claimed.

Applicant specifically invites the Examiner's attention to Varzan at col. 4:34-40 where Varzan states: "The mobile station then has to choose one of the cells, and that selection requires some information about the networks to which the cells belong. ***This and a lot of other information is regularly sent in each cell to all mobile stations...[a]ll information needed by the mobile stations is grouped in common channels....***" Furthermore, Varzan at col. 11:21-23

⁶ *Pac-Tex, Inc. v. Amerace Corp.*, 14 USPQ2d 187 (Fed. Cir. 1990).

discloses that *"[a]ll processing is done by the PQ selection system in the mobile terminal according to the information received from the mobile pricing system..."* (emphasis added).

In particular, Vazvan further fails to disclose determining available information sets by comparing the (scanned) information about available networks to information sets stored in the terminal. In stark contrast to Applicant's disclosed and presently-claimed invention, Varzan specifies that cell selection is performed based on signal strength and quality and information relating to the competitiveness of the prices of the services offered (see Varzan at col. 6:47-50).

As indicated above, the price information is received from the network. Hence, *the features disclosed in Varzan are clearly based on information from the network*, whereas *in the currently amended claims, scanned wireless local area network (WLAN) names are compared to information sets stored in the terminal*. Furthermore, the current limitations also relate to determining which ones of the information sets stored in the terminal are available.

Also for the reasons stated above, Vazvan fails to disclose arranging access to a WLAN based on the settings in an available information set, *i.e.* one of the information sets stored in the terminal and being detected as available based on the comparison of WLAN network names of the stored information sets and the scanned network names. Still further, Vazvan also fails to disclose any scanning by sending network identity requests and searching for network identity responses. In Vazvan, for example at col. 14:17-19, the mobile station merely listens to broadcasted information.

Specific Deficiencies of Varzan

Varzan does not disclose a method for accessing a wireless local area network in a telecommunications system wherein the method includes, *inter alia*, *"storing information sets describing settings used to access wireless local area networks and their associated resources in the at least one terminal...determining available information sets by comparing the information related to names of available wireless local area networks to the stored information sets...wherein the storing stores network names of wireless local area networks associated with the stored information sets...and the determining available information sets determines the available information sets by comparing the stored network names to the scanned information*

related to names of available wireless local area networks," as recited in independent claim 1, as amended (*emphasis added*).

In addition, Varzan does not disclose a terminal that includes, *inter alia*, "...a memory configured to store information sets describing settings used to access wireless local area networks and their resources...a processor configured to determine available information sets by comparing the information related to names of available wireless local area networks to information sets stored in the memory...wherein the memory is further configured to store names of wireless local area networks belonging to the stored information sets...[and] the processor is further configured to determine available information sets by comparing the network names stored in the memory to the scanned information identifying the names of the available wireless local area networks," as recited in independent claim 8 as amended (*emphasis added*).

Finally, Varzan does not disclose a terminal that includes, *inter alia*, "... at least one memory device configured to store information sets describing settings used to access wireless local area networks and their resources...at least one determination module configured to determine available information sets by comparing the information related to names of available wireless local area networks to information sets stored by the at least one memory device...wherein the at least one memory device is arranged to store names of the wireless local area networks belonging to the stored information sets...and the at least one determination module is configured to determine the available information sets by comparing the stored network names to the scanned information identifying the names of the available wireless local area networks," as recited in independent claim 14 as amended (*emphasis added*).

Accordingly, since the applied art does not teach or suggest all the claimed limitations, reconsideration and allowance of independent claims 1, 8, and 14 are respectfully requested. In addition, dependent claims 2, 3, 5, 7, 9, 10, 13, 15, and 19-22 variously and ultimately depend from these patentable independent claims, and are submitted as being allowable at least on that basis, without further recourse to the patentable features recited therein.

New Claims

Newly-presented claims 23-25 have been drafted to further define that which Applicant is entitled to claim. Varzan is deficient at least in providing a disclosure, teaching, or suggestion of all the limitations of independent claim 23.

For example, Varzan at least does not teach or suggest the recited "*a memory configured to store information sets relating to settings used to access wireless local area networks and their resources*, including information relating to names of the wireless local area networks...and a control unit configured to...determine available information sets *by comparing the information related to names of available wireless networks to information sets stored in the memory and by comparing the stored network names to the scanned information identifying the names of the available wireless local area networks*," as recited in newly-presented independent claim 23 (*emphasis added*).

Accordingly, consideration and allowance of new claims 23-25 are respectfully requested.

Conclusion

In view of the above amendment and remarks, Applicant submits that each of pending claims 1-3, 5, 7-10, 13-16 and 19-25 in this application is in immediate condition for allowance. An early indication of the same would be appreciated.

In the event the Examiner believes that an interview would be helpful in resolving any outstanding issues in this case, the Undersigned Attorney is available at the telephone number indicated below.

For any fees that are due, including fees for extensions of time, please charge Deposit Account Number 03-3975 from which the Undersigned Attorney is authorized to draw. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Date: January 7, 2008

Respectfully submitted,

Electronic Signature: /Larry J. Hume/

Larry J. Hume

Registration No.: 44,163

PILLSBURY WINTHROP SHAW PITTMAN LLP

P.O. Box 10500

McLean, VA 22102

(703) 770-7900 (switchboard)

(703) 770-7981 (direct)

(703) 770-7901 (fax)

e-mail: Larry.Hume@pillsburylaw.com

Attorney for Applicant

Attachment: Petition for Extension of Time (1 month)